

FORM PTO-1390
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

22488-710

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Unknown
09/600521

INTERNATIONAL APPLICATION NO.

PCT/US99/26221

INTERNATIONAL FILING DATE

05 November 1999

PRIORITY DATE CLAIMED

06 November 1998

TITLE OF INVENTION

A METHOD OF TREATING TUMORS USING FAS-INDUCED APOPTOSIS

APPLICANT(S) FOR DO/EO/US

Jian-Yun DONG, James S. NORRIS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:


1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 37(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - c. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. To 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Copy of International Search Report and PCT Publication document.

09600521.082701

533 Rec'd PCT/PTO 14 JUL 2000

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) Unknown 09/600521		INTERNATIONAL APPLICATION NO. PCT/US99/26221		ATTORNEY'S DOCKET NUMBER 22488-710																	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO..... \$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)..... \$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))..... \$690.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2) paid to USPTO..... \$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$96.00 <div style="text-align: right; margin-top: 5px;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; height: 100px; width: 100%;"></div>																	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	970																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>66 - 20 =</td> <td>46</td> <td>46 X \$18.00</td> </tr> <tr> <td>Independent claims</td> <td>5 - 3 =</td> <td>2</td> <td>2 X \$78.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>\$260.00</td> </tr> </tbody> </table>				CLAIMS	NUMBER	NUMBER EXTRA	RATE	Total claims	66 - 20 =	46	46 X \$18.00	Independent claims	5 - 3 =	2	2 X \$78.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			\$260.00	\$	130
CLAIMS	NUMBER	NUMBER EXTRA	RATE																		
Total claims	66 - 20 =	46	46 X \$18.00																		
Independent claims	5 - 3 =	2	2 X \$78.00																		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			\$260.00																		
TOTAL OF ABOVE CALCULATIONS =				\$	2,084																
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	1,042																
SUBTOTAL =				\$	1,042																
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	+																
TOTAL NATIONAL FEE =				\$	1,042																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	+																
TOTAL FEES ENCLOSED =				\$	1,040																
				Amount to be:																	
				refunded	\$																
				charged	\$ 1,040																
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 23-2415 in the amount of \$ <u>1,040</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 23-2415. A duplicate of this sheet is enclosed.																					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.																					
SEND ALL CORRESPONDENCE TO: Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, California 94304-1050 (650) 493-9300				<div style="text-align: center;">  SIGNATURE </div> <div style="text-align: center; margin-top: 10px;"> Shirley Chen NAME </div> <div style="text-align: center; margin-top: 10px;"> 44,608 REGISTRATION NUMBER </div>																	

07/14/00
1c882 U.S. PTO



7-17-89/600521
533 Rec'd PCT/PTO 14 JUL 2000

Attorney Docket No. 22488-710

In re Patent Application of) PATENT APPLICATION
Inventor(s): Jian-Yun Dong et. al.)
Application No.: Unknown)
Filed: Herewith) Examiner: Unknown
Title: Method of Treating Tumors Using Fas-)
Induced Apoptosis)

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER
37 C.F.R., § 1.10**

Express Mail Label No.: EL 473989768 US

Deposited: 14 JULY 2000

I hereby certify that this application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 with Mailing Label Number filled in above and addressed to the Commissioner for Patents, Washington, D.C. 20231 on DATE OF DEPOSIT filled in above.

Jane Silarajs (Signature)
By: Jane Silarajs (Typed Name)
Signature Date: 14 JULY 2000

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231
Attn: BOX PATENT APPLICATION

Dear Sir:

Transmitted herewith for filing are documents in the above identified patent application as follows:

1. Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371;
2. Preliminary Amendment;
3. PCT Application as published; and,
4. International Search Report.

22488-710

The total fee due is \$ 1,040, and is provided as follows:

☒ Charge \$ 1,040 to Deposit Account No. 23-2415.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 23-2415 (Attorney Docket No. 23-2415). This paper is submitted in duplicate.

Respectfully submitted,

Date: 14 JULY 2000

By: Shirley Chen
Shirley Chen
Registration No. 44,608

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California 94304-1050
Telephone: (650) 493-9300

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION**

Docket Number (Optional)

22488-710

Applicant, Patentee, or Identifier: MUSC Foundation for Research Development

Application or Patent No.: _____

Filed or Issued: _____

Title: A Method of Treating Tumors Using FAS-Induced Apoptosis

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION MUSC Foundation for Research DevelopmentADDRESS OF NONPROFIT ORGANIZATION 261 Calhoun Street, Suite 305, Charleston, SC 29425**TYPE OF NONPROFIT ORGANIZATION:**

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.
- ☒ each such person, concern, or organization is listed below.

GENPHAR, Inc., 871 Low Country Boulevard, Mount Pleasant, South Carolina 29464

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Kenneth J. Roozen, Ph.D.TITLE IN ORGANIZATION OF PERSON SIGNING Executive DirectorADDRESS OF PERSON SIGNING 261 Calhoun Street, Suite 305, Charleston, SC 29425SIGNATURE 

DATE

7/13/00

STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(e)) - SMALL BUSINESS CONCERN		Docket Number (Optional) 22488-710
Applicant, Patentee, or Identifier:	GENPHAR, INC.	
Application or Patent No.:		
Filed or Issued:		
Title:	A METHOD OF TREATING TUMORS USING FAS-INDUCED APOPTOSIS	
I hereby state that I am <input checked="" type="checkbox"/> the owner of the small business concern identified below <input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below		
NAME OF SMALL BUSINESS CONCERN	GENPHAR, INC.	
ADDRESS OF SMALL BUSINESS CONCERN	871 Low Country Boulevard, Mount Pleasant, South Carolina 29464	
<p>I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above <input type="checkbox"/> the application identified above <input type="checkbox"/> the patent identified above</p> <p>If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p> <p>Each person, concern, or organization having any rights in the invention is listed below:</p> <p><input checked="" type="checkbox"/> no such person, concern, or organization exists <input type="checkbox"/> each such person, concern, or organization is listed below.</p>		
NAME OF SMALL BUSINESS CONCERN	GEN PHAR, INC	
ADDRESS OF SMALL BUSINESS CONCERN	871 Lowcountry Blvd, Mt Pleasant SC 29464	
<p>Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities (37 CFR 1.27).</p> <p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).</p>		
NAME OF PERSON SIGNING	Steve Hutchinson	
TITLE OF PERSON IF OTHER THAN OWNER	President CHAIRMAN & CEO	
ADDRESS OF PERSON SIGNING	230 Central Park West, #2D, New York, New York 10023	
SIGNATURE	DATE 7/13/00	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.